

Please return to:  
Durham City-County Planning  
Attn: Jacob Wiggins  
101 City Hall Plaza  
Durham, NC 27701

**CITY OF DURHAM**  
**ORDER PERMANENTLY CLOSING 160.33 LINEAR FEET OF WATERBURY DRIVE**  
**(SC1400006)**

**WHEREAS**, the Durham City Council has delegated the authority to set public hearings to the City Manager as authorized by Durham City Charter; and

**WHEREAS**, the City Manager set a public hearing regarding the closing of the street or alley or portion thereof that is generally described in the caption of this order and that is more fully described in **Attachment A**, attached hereto and incorporated herein for **August 18, 2014**; and

**WHEREAS**, the Resolution provided for the holding of a public hearing on the question of whether said street should be permanently closed; and

**WHEREAS**, notice of the closing of said street was sent by registered or certified mail to all owners as shown on County Tax Records of property adjoining the street to be closed; and

**WHEREAS**, a notice of the closing and public hearing was prominently posted in at least two places along the street to be closed; and

**WHEREAS**, the notice of the closing and public hearing was published once a week for four successive calendar weeks; and

**WHEREAS**, this matter came for hearing before the Durham City Council at its regular meeting on **August 18, 2014** meeting and all persons who desired to be heard were heard at that time.

**NOW, THEREFORE**, the City Council of the City of Durham having carefully considered the question of permanently closing the street or alley or portion thereof as it more fully described in **Attachment A**, finds:

1. That closing of the street or alley described in **Attachment A** is not contrary to the public interest, and
2. No individual owning property in the vicinity of the street would thereby be deprived of reasonable means of ingress or egress to his or her property.

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**IT IS THEREFORE, ORDERED:**

1. That the street described in **Attachment A** is permanently closed under the authority of GS 160A-299(a).
2. That utility easements that may be referenced in **Attachment A** or shown on the plat referenced in Attachment A shall be retained by the City, and that easements owned by private utility companies that are shown on such plat be retained by the private utilities indicated.
3. That a certified copy of this Order and the plat referred to in **Attachment A** shall be filed in the Office of the Register of Deeds of Durham County, North Carolina.
4. That property owners adjacent to the closed street shall take right, title, and interest as is provided in GS 160A-299 (c), as may be further illustrated on the plat referenced in **Attachment A**.
5. That closing is conditioned on the recombination of lots deemed sufficient by the City.
6. That this Order is effective upon and after the date of its adoption as shown by the stamp of the City Clerk below.

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**Attachment A**

BEGINNING at a point in the southerly right of way Waterbury Drive (60' public right of way as recorded in plat book 110, page 52), thence across the right of way of Waterbury Drive N 05° 06' 40" E for a distance of 80.60 feet to a point in the easterly right of way of Westcrest Street; thence with a curve turning to the left through an angle of 92° 29' 40", having a radius of 20.00 feet, and whose long chord bears S 42° 16' 24" E for a distance of 28.89 feet to a point in the northerly right of way of Waterbury Drive; thence with the northerly right of way of Waterbury Drive S 87° 30' 47" E for a distance of 138.86 feet to a point in the easterly terminus of Waterbury Drive; thence with the terminus of Waterbury Drive S 04° 44' 49" W for a distance of 60.05 feet to a point in the southerly right of way of Waterbury Drive; thence with the easterly right of way of Waterbury Drive N 87° 30' 47" W a distance of 160.53 feet to the point and place of BEGINNING, containing 9,715 square feet as shown on plat prepared by W. Robert Murphy, PLS.

As recorded in the Durham County Register of Deeds Office at Plat Book \_\_\_\_\_, Page \_\_\_\_\_.

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**NORTH CAROLINA  
DURHAM COUNTY**

I, \_\_\_\_\_, Notary Public of the aforesaid County and State, certify that personally appeared before me this day \_\_\_\_\_ City Clerk of the City of Durham, who duly certified and acknowledged that the foregoing constitutes a true and accurate copy of the order adopted by the City Council of the City of Durham at its meeting held \_\_\_\_\_, 20\_\_\_\_, as the same is taken from and compared with the recordation of said order in Ordinance Book \_\_\_\_\_, at Pages \_\_\_\_\_, in the Office of the City Clerk.

Witness my hand and notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**Notary Public**

**My Commission Expires:**

\_\_\_\_\_

The foregoing certificate of \_\_\_\_\_, notary public of \_\_\_\_\_ County, NC, is certified to be in due form and correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on this instrument.

**WILLIE L. COVINGTON, REGISTER OF DEEDS  
FOR DURHAM COUNTY, NORTH CAROLINA**

By \_\_\_\_\_  
**Deputy Register of Deeds**